



Planning Commission Meeting Minutes

DATE:	March 25, 2014
APPROVED BY:	Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION February 25, 2014

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice Chair Morse called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Flenner (alt. for Siegel), Morse, Pegoraro (alt. for Troy), Schaedlich, Welch, and Mmes. Hausch, and Pesec. Legal Counsel present: Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy, Ms. Truesdell and Ms. Posillico.

MINUTES

Mr. Pegoraro moved and Mr. Welch seconded the motion to approve the January 2014 Minutes.

All voted "Aye".

FINANCIAL REPORT

Mr. Adams moved and Mr. Welch seconded the motion to accept the January 2014 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Horacek said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Radachy mentioned the following items:

- He introduced Emma Posillico as the new intern. She will be assisting with planning and zoning issues and will be working on the retail trade study, Leroy Township home occupation language changes.
- We received a TLCI grant from NOACA. The director participated on a committee that selected 4 contractors from NOACA's list to bid on a contract. Those four will be asked to submit a proposal and one will be selected.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Concord Ridge Subdivision, Phase 3, Final Plat & Improvement Plans, 17 Lots on 24.7619 Acres

Mr. Radachy said that Concord Ridge Phase 3 Subdivision has two variance requests. There are 24 acres of which, 14 acres is open space. There are 17 sublots. This is the third phase of a preliminary plan that was approved in October, 2013. This is second phase with the road and sanitary sewers. 57% of this phase is open space. 42% of the overall development that has been approved is in open space. We will continue to see more phases of the subdivision which will have to connect to Stanford Springs. Staff described the subdivision and its location in relation to Stanford Springs, Crossroads at Summerwood, Phase 1 and Summerwood.

Proposed Final Plat Stipulations:

1. All subdivisions shall connect to a public road. Concord Ridge Phase 2 shall be recorded prior to Concord Ridge Phase 3. *Art. IV, Section 3(B)(7) and LC Engineer*
2. Lengths of cul-de-sacs shall not be in excess of 1,000 feet. Currently, Cora Court i in excess of the maximum cul-de-sac length of 1,000 feet. *Art. IV, Section 3(B)(9)*

3. The plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
4. The Lake County Subdivision Regulations require a 35 foot pavement/building wetland setback. The distance between the wetlands in the open space and the Cora Court cul-de-sac is about 25 feet. *Article VII Section 5(B)(2)*
 - a. Wetlands – The area to be disturbed with pavement planned at the cul-de-sac area on the west side of the plan appears to be within 35 feet. *LCSWCD*
5. Land from subplot 9 of Stanford Springs must be added to the parcel 08A-002-0-00-010 by minor subdivision process. *LC Planning and Community Development*.
6. This phase does not have a temporary cul-de-sac easement shown on the plat. Please remove the language. *LC Planning and Community Development*
7. Acknowledge the conservation easement on the plat after it has been recorded. *LC Planning and Community Development*
8. Plat shall conform to subdivision Improvements. *LC Engineer*
9. Minor deficiencies will be corrected prior to final approval. *LC Engineer*
10. The responsible party for the maintenance of the open space areas shall be identified on the final plat. During the preliminary plan review (under the zoning amendment process) by the Township, we received written notification that this was being pursued by the Lake County Soil and Water Conservation District. Note on the Plat that designated open space areas shall be prohibited from further subdivision or development, and shall be maintained and preserved in their natural state, as set forth in the Concord Township Zoning Resolution. Clearly mark all open spaces prior to clearing the site. *Trustees*
11. The Restrictive Covenants for Concord Ridge state that buildings shall have a minimum distance of 40 feet from the right of way, or as required by Concord Township. The plat shows a front building setback line of 30 feet, if the 40 foot setback will be enforced, then this should be reflected on the plat. *Concord Township*
12. The proposed lots sizes and building setbacks conform to R-2, RCD District Zoning and the proposed lot configurations conform to the approved Township Preliminary Plan for Concord Ridge. *Concord Twp. Trustees*
13. The responsible party for the maintenance of the Cora Court bio retention cul-d-sac needs to be identified on the final plat. The Concord Board of Trustees will not maintain the cul-de-sac islands under any circumstances. The design standards per Concord Township Trustee's Resolution 2004-5 for permanent cul-de-sacs shall be met or exceeded. *Concord Twp. Trustees*

Proposed Final Plat Comments:

1. Staff has two versions of the language for the local service drainage easement. One version is for maintenance of the storm water facility by the homeowners association and one version has the maintenance of the facility by adjacent homeowners. You can modify the LSD Easement language for adjacent homeowners by changing the name and using it for yard drains while keeping the HOA language in place for the detention ponds and other larger facilities. Giving the yard drains to the adjacent property owners may make their lives easier in the future.
2. No objection to Final Plat. *L. C. Utilities*

Proposed Improvement Plan Stipulations:

1. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
3. Until improvement plans for the subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
4. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for final review. *Utilities Dept., Sanitary Engineer.*
5. All fire hydrants to be self draining and equipped with a 5" Stortz fitting on the steamer outlet. Fire flows must meet the ISO minimum requirements of 1,000 gallons per minute for one and two family dwellings which do not exceed 3,600 square feet. *Concord Twp. Fire Dept.*
6. We want to be in the same trench as power and phone. *Time Warner Cable*
7. Applicant needs to submit a plan review application and review fee to the Lake County SWCD for full and final plan review. *LCSWCD*

8. All preservation areas (conservation easements, wetlands, streams, and open space) must be marked off with clearly visible fencing prior to site disturbance. These areas must also be clearly labeled on all copies of the SWP3 Plan. *LCSWCD*
9. 8" line through cul-de-sac (Cora Court). *Painesville City Water*
10. Soils need to be mapped on the site. The legend shows the soils as incorrectly labeled. The Soil Survey of Lake County lists the following soil types located within the boundaries of the proposed subdivision site.
 - a. Darien silt loam soils are mapped on the site. Darien silt loam (DaA, DaB) soils are characterized as somewhat poorly drained soils. They have a seasonal high water table. Shale and siltstone bedrock is at a depth of 40 to 60 inches. The seasonal high water table, slow permeability, and depth to bedrock severely limit the use of this soil for building site construction. *LCSWCD*
11. Please submit a plan review application and fee to the Lake County SWCD for full and final plan. *LCSWCD*
12. It is the opinion of this department that the proposed storm sewer system that runs parallel to Cora Court and the necessary trench width for installation could have long term settlement issues which could impact curb and gutter integrity which has been clearly identified in similar practices on roads such as Nob Hill where premium fill and compaction were not realized therefore curb and gutters continue to settle and fade from their original design criteria. We recommend that at closer examination where these trenches in fact will be in the proposed curb and gutter range that premium fill and compaction techniques are met as in specifications detailed in Figure 13.17.1. *Concord Township Service Dept.*
13. It should be noted that the correct haul roads have not been identified. *Concord Township Service Dept.*

Proposed Improvement Plan Comments

1. Fire hydrants may be spaced no further than 500 feet. A fire hydrant shall be placed at the entrance of all streets and cul-de-sacs. Streets longer than 800 feet to have a fire hydrant at the beginning of the street, midpoint of the street and at the end of the street. *Concord Twp. Fire Dept.*
2. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. Concord Township Fire Prevention to be notified to all scheduled flushing and 2 hour hydrostatic testing of underground piping and fire hydrants for the purpose of auditing of these procedures. *Concord Twp. Fire Dept.*
3. Street name signs and "NO PARKING HYDRANT SIDE OF STREET" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance

with the Ohio Fire Code Section 505.2. All contractors are to be instructed NOT to park on the hydrant side of the street during construction. *Concord Twp. Fire Dept.*

4. Building numbers and/or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*
5. Potable water to be supplied by the City of Painesville per their "Franchise Agreement" with the Board of Lake County Commissioners. *Utilities Dept., Sanitary Engineer*
6. Details for erosion and sediment control plan are currently being worked out with developer and SWP3 engineer. *LCSWCD*
7. Location of hydrant. *Painesville City Water*
8. Details for erosion and sediment control are currently being worked out with the developer and SWP3 engineer. *LCSWCD*
9. Improvement Plans received and improvement plan issue's addressed to engineering company *LCSWCD*

One of the issues with the subdivision is that the maximum length for a cul-de-sac is 1000 feet and this is 1,031 feet, or 31 feet too long. The other issue is with the open space that is coming out of subplot 9 of Stanford Springs. It was determined by staff and the Tax Map Department that it would be too confusing to replat land from Stanford Springs along with the land that has not been platted. Tax map asked that land be added from the rear of Sublot 9 to the open space to make for a cleaner title in the future. Once that is done, Sublot 9 can be sold as an acre and a half.

Mr. Pegoraro asked about the donut style cul-de-sac. He stated that Concord Township used to object to this type of cul-de-sac.

Mr. Radachy said Concord Township encouraged donut style cul-de-sacs.

Mr. Pegoraro said that in many subdivisions, the right-of-way is tight to the edge of the pavement on the cul-de-sac. He would like to see a sidewalk easement on the cul-de-sac so that in the future, the residents can install sidewalks.

Mr. Radachy said the Township is against sidewalks.

Ms. Peseck asked why the Developer could not make the block length 1,000 feet instead of 1,031 feet.

Mr. Radachy said that the longer cul-de-sac allows the Developer better access to the open space. If he pulls the cul-de-sac back 31 feet. He will have to adjust Sublots 57 and 58 and reduce the amount of access to the open space.

Mr. Pegoraro asked how they determined the cul-de-sac length.

Mr. Radachy explained how the block length was determined.

Mr. Pegoraro stated that when the cul-de-sac is offset like this one, some communities would do an angle to the second monument to determine length. Following this example, it may eliminate the need for the variance.

Mr. Morse asked if there were any more discussion on this subdivision and asked for Staff's recommendation.

Mr. Radachy said Staff recommended approval of Concord Ridge Subdivision.

Ms. Peseck asked if it was stipulated that they need to be within the 1000 feet for block length.

Mr. Radachy said yes. They need to either vary it or correct the plat design. The 13 final plat stipulations do not include the suggestion of Mr. Pegoraro's to put in an easement to allow for sidewalks.

Mr. Pegoraro moved and Mr. Adams seconded the motion to approve Concord Ridge Subdivision Phase 3 Final Plat & Improvement Plans with 17 lots on 24.7619 Acres.

All voted "Aye".

Mr. Radachy introduced members of the audience, Dan Donaldson, Administrator and Nick Agins, Resource Protection Technician from the Soil and Water Conservation District.

Concord Township – Concord Ridge Subdivision, Phase 3, Variance to Art. IV, Sec. 3(B)(10), Cul-de-sac Length and Variance to Art. I Section 4(B) Preliminary Grading

Mr. Radachy stated that there are two variances up for consideration at this meeting. He said variance one is grading of the right-of-way prior to the acceptance of the Improvement Plans by the Commissioners. Variance two is increasing the block length from 1,000 feet to 1,031 feet.

Mr. Radachy said this is the same variance that we approved last month on Phase 2. They are requesting to be able to grind stumps and do minor grading when they clear the trees. Clearing can only be done from October 1 to March 31 due to the regulations regarding the protection of the Indiana Bat.

REVIEW AGENCIES COMMENTS ON THE VARIANCE ON ARTICLE I SECTION 4(B):

1. No deficiencies. As long as silt fence and other provisions of LCSWCD are adhered to, we have no concerns. *LC Engineer*
2. We recommend that any stump holes which would be considered within future road sections be filled and compacted with materials which will sustain the integrity of those areas during development and post construction. *Concord Service Dept.*
3. Again consideration should be taken into account for the impact total clearing and deforestation has on local drainage and how it may impact the development in the future and its downstream neighbors. *Concord Service Dept.*
4. All areas to be cleared shall be clearly marked, and any necessary transgression into open space areas shall be noted and subsequently landscaped with vegetation that is compatible with the natural characteristics of the site as per section 16.24 C(4) of the Concord Township Zoning Resolution. *Concord Township Trustees*
5. For approval of the variance, an abbreviated Erosion and Sediment Control Plan addressing the operations for clearing and grubbing must be drafted and submitted to Lake County SWCD for standard review.
6. All preservation areas (conservation easements, wetlands, streams and open space) must be marked off with clearly visible fencing prior to site disturbance. These areas must also be clearly labeled on all copies to SWCD.

Staff recommended approval of the variance with the following conditions:

1. Erosion Control Plan must be filed with Lake County SWCD
2. All preservation areas (conservation easements, wetlands, streams and open space) must be marked off with clearly visible fencing prior to site disturbance. These areas must also be clearly labeled on all copies to SWCD.
3. We recommend that any stump holes which would be considered within future road sections be filled and compacted with materials which will sustain the integrity of those areas during development and post construction.

REVIEW AGENCIES COMMENTS ON THE VARIANCE ON ARTICLE IV SECTION 3(B)(10):

1. No deficiencies or concerns. *LC Engineer*
2. The potential benefit of the storm water retention area / bio swale design is compatible with the concept of the Residential Conservation District. The variance of the 4% should be allowed to achieve the goal. *Concord Township Trustees*

Mr. Radachy said the reviewing agencies do not have a problem with this variance as long as they file a Soil and Erosion control plan with SWCD and they follow proper procedures.

Staff is recommending approval on grading with the above 3 conditions.

Mr. Brotzman asked how stump and tree removal was dealt with on these sites.

Mr. Summers replied by saying all large debris is hauled away. The only thing left is stump debris left with the top soil mixed in. This is prior to road construction. Typically, it rots by the time the road gets built. There are no dug up holes.

Mr. Summers addressed the cul-de-sac issue. He said the donut cul-de-sac is larger than normal and Concord Township strongly suggested it. They are doing a bio-swale in the middle of the cul-de-sac so it is designed with naturally occurring rocks to handle snow melt. Concord Township requires a radius of 120 feet instead of 100 feet. The variance on the cul-de-sac is only 0.4 of 1% above code. This is conservation development according to Concord zoning. This cul-de-sac is superior to ones designed with narrow pie shaped lots coming off the curve of the cul-de-sac. This cul-de-sac cannot go any further because of the wetlands issue and the fact that there is no where to connect.

Ms. Pesec said that if you can accommodate our regulations and the cul-de-sac that Concord wishes, then it would be in the best interest of us to do that. Can it be done?

Mr. Summers said we can go with what we have or we can go to an open cul-de-sac which would easily meet the requirements.

Ms. Pesec asked if the developer can do Concord's request and pull it back so it is 1,000 feet?

Mr. Summers said that another thing to keep in mind is that this subdivision is somewhere between 45 and 48% green space. This block length would be a 4% variance. The offset cul-de-sac does not create the pie-shaped lots that the market does not value.

Mr. Adams said that with regard to the subdivision regulations, considering the benefits that are derived from this design, it was a small change. He moved to approve the variance to Art. IV, Sec. 3(B)(10), cul-de-sac length in Concord Ridge Subdivision, Phase 3. Mr. Pegoraro seconded the motion.

Seven voted "Aye".
One opposed.

Mr. Radachy said that the next variance is a request to begin preliminary grading. Staff is recommending approval.

Mr. Pegoraro moved and Mr. Adams seconded the motion to approve the variance in Concord Ridge Subdivision, Phase 3, Variance to Art. I, Sec. 4B to allow for preliminary grading.

All voted "Aye".

Concord Township – LaMalfa Lot Split Plat Extension

Mr. Radachy said the plat under consideration is Sublot 23 in Cali Woods.

Mr. Pegoraro recused himself from consideration of the LaMalfa lot split extension.

Mr. Radachy said the request is a second extension request on a lot split plat that was approved four years ago. Staff is recommending that the plat be extended again. The Owner is splitting the plat into two pieces. The Subdivision Regulations require that if the subdivision is approved by a subdivision plat the plat has to be replated. It is required that all plats have a two-year expiration in the extension process. He is allowed two requests for extensions. This is the second request.

Mr. Brotzman moved and Ms. Hausch seconded the motion to approve the LaMalfa lot split plat extension for one year.

Six voted "Aye".
One voted "Nay".
One abstained.

Subdivision Activity Report

Mr. Radachy said that for the record, we have approved 21 lot splits since January 1. As of December 31, 2013 we had approved 13 lot splits for the entire year.

LAND USE AND ZONING

There were no land use and zoning submissions.

REPORTS OF SPECIAL COMMITTEES

The Coastal Plan Committee meets tomorrow.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Fairport Harbor Village Letter of Support

Mr. Radachy said Fairport Harbor is seeking a letter of support. They want to buy the old bait shop which is at 1250 High Street, on the corner of High Street and Water Street and turn it into a parking lot for a bike trail.

Mr. Brotzman moved and Mr. Pegoraro seconded the motion to approve a letter of support for Fairport Harbor Village to buy the property at 1250 High Street.

All voted "Aye".

New Alternate for Planning Commission Member

Mr. Radachy said the Commissioners passed a resolution accepting Lori Lipton of Concord Township as alternate for Commissioner Judy Moran.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Peseć moved and Mr. Adams seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:09 p.m.